

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLENN MAYBIN,

Plaintiff,

Case No. 2:23-cv-12575

v.

Honorable Susan K. DeClercq
United States District Judge

INSPECTOR FULLER et al.,

Defendants.

**ORDER PROHIBITING REILING OF CASE AND DENYING LEAVE TO
APPEAL *IN FORMA PAUPERIS***

On June 25, 2024, the above-captioned case was summarily dismissed under 28 U.S.C. §§ 1915(e)(2), 1915A(b) and 42 U.S.C. § 1997e(c) for failure to state a claim. *See* ECF Nos. 11; 12.

“If the case is dismissed under these circumstances, it is not to be reinstated to the district court’s active docket”—even if the plaintiff attempts to pay the filing fees. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199, 203 (2007); *Redd v. Redmon*, 215 F.3d 1327 (6th Cir. 2000) (holding that *McGore* applies to cases dismissed “under § 1915(e)(2)(A)”; *see also Baxter v. Rose*, 305 F.3d 486, 489 (6th Cir. 2002) (same “where the district court dismisses cases *sua sponte* under 28 U.S.C. § 1915A”), *abrogated on other grounds by Jones*, 549 U.S. 199; *Boussum v. Washington*, 655

F. Supp. 3d 636, 642 (E.D. Mich. 2023) (same for cases dismissed under 28 U.S.C. § 1915(b)).

Moreover, Plaintiff may not appeal *in forma pauperis*, because an appeal from this order would be frivolous and not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Accordingly, it is **ORDERED** that the above-captioned case is **PROHIBITED** from being reinstated to the district court's active docket—even if Plaintiff pays the filing fees.

Further, it is **ORDERED** that Plaintiff is **DENIED** leave to appeal *in forma pauperis*.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: 6/27/2024